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**STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS**

TO: InCharge Institute of America, Inc.
doing business as InCharge Institute and InCharge
Profina Debt Solutions
Concord Credit
La Fundacion Hispana De Credito
National Credit Counseling Services doing business as NCCS

David C. Jones, President/CEO
1768 Park Center Drive, Suite 400
Orlando, Florida 32835

DESIST AND REFRAIN ORDER

The California Corporations Commissioner finds that:

1. **Incharge Institute of America, Inc.** does business as **InCharge Institute** and **InCharge** (hereinafter "**InCharge**"). **InCharge** has a toll free phone number (800) 335-6081 and an Internet web site at <http://incharge.org> and www.icinstitute.org. **InCharge** works in concert or participation with others engaged in the following activities in violation of the Check Sellers, Bill Payers and Proraters Law pursuant to the California Financial Code section 12000 et seq.
2. **InCharge** offers debt management program to California consumers under several names including, but not limited to, **Profina Debt Solutions**, (800) 565-8953, Internet web site www.profina.org; **Concord Credit**, **La Fundacion Hispana De Credito**, (800) 565-7506, Internet web site www.concordcredit.org; and **National Credit Counseling Services (NCCS)**, (888) 454-2385, Internet web site www.nccs.org. **InCharge's** Debt Management Program involves its negotiation of a repayment plan with creditors, whereby **InCharge** or others, acting in concert or participation with it, will receive money from the consumer for the purpose of paying a consumer's creditors.

1 3. A description of the services of the Debt Management Program of
2 **InCharge, Profina Debt Solutions, Concord Credit, La Fundacion Hispana De Credito,**
3 **and National Credit Counseling Services (NCCS)**, includes working with the consumer
4 and creditors of the consumer to arrange a payment schedule, wherein payments are
5 distributed monthly on behalf of the consumer to the creditors of the consumer. Some
6 alleged benefits associated with the Debt Management Program include reduced interest
7 rates, waived fees and lower monthly payments.

8 4. The Department of Corporations has jurisdiction over and regulates proraters
9 under the Check Sellers, Bill Payers and Proraters Law set forth in California Financial Code
10 section 12000 et seq. California Financial Code section 12200, states:

11 No person shall engage in the business, for compensation, of
12 selling checks, drafts, money orders, or other commercial
13 paper serving the same purpose, or of receiving money as
14 agent of an obligor for the purpose of paying bills, invoices, or
15 accounts of such obligor, or acting as a prorater, nor shall any
16 person, without direct compensation and not as an authorized
17 agent for a utility company, accept money for the purpose of
18 forwarding it to others in payment of utility bills, without first
19 obtaining a license from the commissioner.

20 5. The California Corporations Commissioner has not licensed **InCharge**
21 **Institute Of America, Inc., InCharge Institute, InCharge, Profina Debt Solutions,**
22 **Concord Credit, La Fundacion Hispana De Credito, or National Credit Counseling**
23 **Services (NCCS)** in this State to act as a check seller, bill payer or prorater.

24 6. Based upon the foregoing findings, the California Corporations Commissioner
25 is of the opinion that **InCharge Institute Of America, Inc., InCharge Institute, InCharge,**
26 **Profina Debt Solutions, Concord Credit, La Fundacion Hispana De Credito, and**
27 **National Credit Counseling Services (NCCS)** engaged in the business of check selling, bill
28 paying and prorating as defined in the Check Sellers, Bill Payers and Proraters Law without a
license from the California Corporations Commissioner.

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Pursuant to Financial Code section 12103, the California Corporations
 Commissioner hereby orders **InCharge Institute Of America, Inc.** doing business as
InCharge Institute and **InCharge**), as well as **Profina Debt Solutions, Concord Credit,**
La Fundacion Hispana De Credito, and **National Credit Counseling Services (NCCS)**
 acting in concert or participation with it, to desist and refrain from engaging in the business
 as a check seller, bill payer or prorater unless and until it is licensed or exempt. This Order
 is necessary in the public interest and for the protection of consumers.

Dated: December 16, 2002
 Los Angeles, California

DEMETRIOS A. BOUTRIS
 California Corporations Commissioner

By _____

ALAN S. WEINGER
 Supervising Counsel
 Enforcement and Legal Services Division